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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,063	07/13/2006	Franco Giovanni Ottino	21908-103586	4016
28886	7590	09/04/2009		
CLARK HILL, P.C. 500 WOODWARD AVENUE, SUITE 3500 DETROIT, MI 48226				
EXAMINER				
BLACK, MELISSA ANN				
ART UNIT		PAPER NUMBER		
3612				
MAIL DATE		DELIVERY MODE		
09/04/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/561,063

**Applicant(s)**

OTTINO, FRANCO GIOVANNI

**Examiner**

MELISSA A. BLACK

**Art Unit**

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. this office action is in response to Amendments and remarks filled June 19, 2009. Claims 9-17 are pending in the application and rejected as set forth below.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 9-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear how the supporting element 16 is secured to and outer side of said supporting framework 2 as defined in the specification. It is clearly shown in figure 6 that supporting element 16 is secured to attachment element 46 which is secured to the outer side of supporting framework 2.

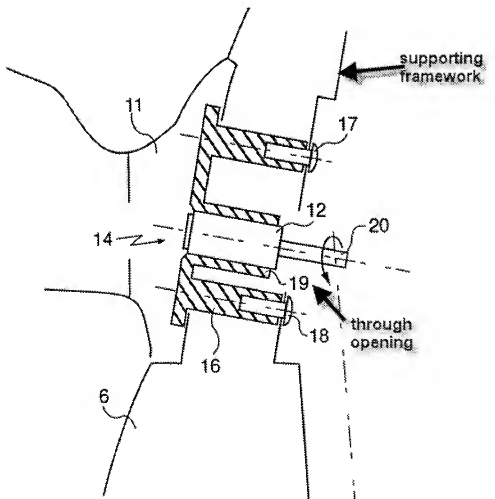
***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over FR 2 760 035 to Gilles in view of US Pat # 6,415,636 to Fukumoto et al and further in view of US Pat # 1,652,953 to Patterson.

Re Claim 9 and 11-17, Gilles discloses a door (See Figure 7) for a motor vehicle comprising: a supporting framework (See Figure 6 see figure below) including an inner side, an opposite outer side, and a through opening between said inner and outer sides; a supporting element (11) fixedly secured to said outer side of said supporting framework (through the

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attachment element as shown in applicants figure 4), a rear-view mirror secured to said supporting element (11); an attachment element (16) fixedly connected to said supporting framework (see figure below) between said supporting element (11) and said through opening; a lock (20) for blocking said door in a closing position; and a key assembly (14) operatively connected to said lock and selectively actuated for disabling/enabling opening of said lock (20) from outside the motor vehicle. Gilled further discloses that said casing (part of support 16 around cylinder) and said key unit are spaced inwardly from the outer side of said supporting structure (see figure below).



Gilles fails to disclose said supporting element (11) including a cylindrical sleeve defining a seat, wherein said cylindrical sleeve of said supporting element abuts said casing and said supporting element extends into said through hole of said attachment element and abuts an end of said casing directly adjacent said peripheral flange and further including a reinforcement element disposed between said peripheral flange of said casing and said face of said attachment element.

Fukumoto et al teaches the use of the supporting element (13) have a cylinder sleeve (133) defining a seat (See figure 6), wherein said cylindrical sleeve of said supporting element abuts said casing (133a) and supporting element extends into said through hole (See figure 6) of said attachment element (522, 523) and abuts an end of said casing directly adjacent said peripheral flange (Near 524a)(see figure 6) and further including a reinforcement element (173 c) disposed between said peripheral flange (See figure 10) of said casing and said face of said attachment element (52).

It would have been obvious at the time the invention was made to include the cylindrical sleeve and seat as taught by Fukumoto et al on the device of Gilles in order to protect the keep hole and to further strengthen the connection of the casing to the vehicle.

Gilles, as modified by Fukumoto et al, further fails to disclose, said key assembly including a casing having a peripheral flange fixed to a face of said attachment element on a side of said attachment element facing towards said inner side of said door and said key assembly is covered towards said outer side of said door by said supporting element and is accessible from outside the motor vehicle through said seat and said casing (12) of said key assembly (14) is rigidly fixed, via releasable fixing means, to a face of said attachment element (16) set between

said supporting means and a through opening (See Figure 6), wherein said face of said attachment element faces towards the inner side of the door.

Patterson teaches a casing (13) of the key assembly is rigidly fixed, via releasable fixing means (screws and peripheral flange 19) (See figure 2) to a face of an attachment element (15) wherein said face of said attachment element faces towards the inner side of the door (see figure 2).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to include releasable fixing means as taught by Patterson on the device of Gilles as modified in order to make the key assembly replaceable if broken and strengthen the connection.

Re Claim 10, Both Fukumoto et al and Patterson teach the key assembly being accessible from the outside of the motor vehicle without moving anything, and therefor it would have been obvious to move the key assembly to a position on the supporting element that would not require the movement of the mirror, furthermore it is a mere relocation of parts requiring little to no routine skill in the art.

#### ***Response to Arguments***

6. Applicant's arguments filed 6/19/09 have been fully considered but they are not persuasive. Applicant argues that the teaching reference of Patterson fails to disclose a flange (Please see highlighted in rejection above), examiner points out that the flange is 19 and is attached to casing 13 and then attached to the outer attachment element 15 by screws. Further Patterson is not being used to teach an attaching element it is merely being used to teach the method of attaching a casing to an attachment element, wherein it would be obvious to use the attaching method of Patterson on the attaching element of Gilles. Same for Fukumoto. Further,

the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, **the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art.**

*Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELISSA A. BLACK whose telephone number is (571)272-4737. The examiner can normally be reached on M-F 7:00-3:30 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GLENN DAYOAN/

Supervisory Patent Examiner, Art Unit  
3612

/M. A. B./

Examiner, Art Unit 3612

9/1/09